

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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NELSON OLWALDO MENDOZA,

Petitioner,

v.

Case No. 2:14-cv-13027

DEWAYNE BURTON,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL**

Michigan prisoner Nelson Olwaldo Mendoza ("Petitioner") has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his state criminal proceedings. This matter is before the court on Petitioner's motion for appointment of counsel. (Dkt. # 13.) Petitioner asserts that he is not fluent in English, that he is unable to afford counsel, that the issues are complex, that he has a limited education.

Petitioner has submitted his habeas petition, Respondent has filed an answer to the petition and the state court record, and Petitioner has filed a reply to the answer, but the court has yet to review those materials in detail.

Petitioner has no absolute right to be represented by counsel on federal habeas review. See *Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); see also *Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). "[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352

F.2d 792, 793 (9th Cir. 1965)). Petitioner has submitted pleadings in support of his habeas claims and no further filings are required. Neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c).

Accordingly, IT IS ORDERED that Petitioner's motion for appointment of counsel (Dkt. # 13) is DENIED. As is always the case, if the court determines that appointment of counsel is necessary for any possible future proceedings (evidentiary hearings, etc.) the court will take such action as may be needed without Petitioner being required to file any additional motion concerning representation.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: March 4, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 4, 2016, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522